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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 MATTHEW JAMES LINDSAY, ESQ.,)
9 Plaintiff,) CASE NO. C17-0354RSM
10 v.) ORDER DENYING MOTION FOR
11) RECONSIDERATION
12 KEY BANK NATIONAL)
13 ASSOCIATION, *et al.*,)
14 Defendants.)

15 THIS MATTER comes before the Court on Plaintiff's Motion for Reconsideration of
16 this Court's prior Order dismissing his case. Dkt. #19. Relying on Federal Rule of Civil
17 Procedure 54(b) and legal authority from the Second Circuit Court of Appeals and the Northern
18 District of Illinois, Plaintiff appears to argue that this Court should revisit its earlier decision
19 that the probate exception precludes jurisdiction in this Court over Plaintiff's claims. *Id.* For
20 the reasons discussed below, the motion is DENIED.
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22 "Motions for reconsideration are disfavored." LCR 7(h). "The court will ordinarily
23 deny such motions in the absence of a showing of manifest error in the prior ruling or a
24 showing of new facts or legal authority which could not have been brought to its attention
25 earlier with reasonable diligence." LCR 7(h)(1). In this case, Plaintiff fails to meet either
26 showing.
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1 First, Plaintiff's reliance on Rule 54(b) is misplaced. That Rule applies to cases where
2 there are multiple claims and/or parties and the Court has resolved only some of the claims,
3 leaving others remaining to be litigated. Fed. R. Civ. Pro. In such cases, Rule 54(b) allows
4 federal courts to enter partial judgment on the resolved claims, leaving the unresolved claims to
5 proceed in litigation. Fed. R. Civ. Pro. 54(b). In this case, all claims have been resolved, and
6 the case has been dismissed in its entirety. Dkts. #17 and #18. Thus, Rule 54(b) is
7 inapplicable. In any event, Local Civil Rule 7(h) sets forth the applicable standard for motions
8 for reconsideration in this Court.
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10 Likewise, Plaintiff's reliance on an Order issued out of the Northern District of Illinois
11 is also misplaced. Dkt. #19, Attachment (cited by Plaintiff as Exhibit 99). In that case,
12 *Bleecker v. Krantz*, Case No. C05-7309RWG (N.D. Ill. Sept. 26, 2006), the plaintiff had filed a
13 complaint seeking to remove the defendant as a trustee, to prohibit a relative or other insider
14 friend of defendant from serving as his successor, and to appoint a neutral third party approved
15 by the court as trustee. Dkt. #19, Attachment. The case had been brought in federal court
16 under diversity jurisdiction, and the defendant had moved to dismiss for lack of jurisdiction
17 based on the probate exception and based on the failure to meet the minimum amount in
18 controversy. *Id.* The Court denied the motion to dismiss. With respect to the probate
19 exception, the court found that because the plaintiff had made claims for breaches of fiduciary
20 duty, the claims fell outside of the probate exception. *Id.* However, the court went on to
21 explain that simply because the claims were outside the probate exception, the plaintiff was still
22 required to establish diversity as a basis of jurisdiction. *Id.* The court then determined that
23 diversity jurisdiction had been established, and denied the motion to dismiss. *Id.*
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1 Setting aside the fact that the *Bleecker* case is not controlling authority in this District,
2 and that Plaintiff has failed to demonstrate why that authority could not have been brought to
3 the Court's attention earlier with reasonable diligence, the instant matter is distinguishable.
4 Here, this Court found not only that Plaintiff's claims fell within the probate exception, but that
5 Plaintiff failed to demonstrate diversity jurisdiction. Dkt. #17. Indeed, Plaintiff had
6 specifically stated that he would not dismiss the non-diverse parties from the action. Dkts. #13
7 and #17 at 3. The Court also noted that Plaintiff had failed to adequately plead any breach of
8 fiduciary duty claims. Dkt. #17 at 4-5.

10 Accordingly, the Court finds that Plaintiff presents no persuasive argument that this
11 Court committed manifest error in its prior Order, nor any new facts or legal authority which
12 could not have been brought to the Court's attention earlier without reasonable diligence. For
13 these reasons, his motion for reconsideration (Dkt. #19) is DENIED.

15 DATED this 7 day of June, 2017.

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19 RICARDO S. MARTINEZ
20 CHIEF UNITED STATES DISTRICT JUDGE